the liquors were not supplies or other necessaries within the meaning of the Act. *The Sterling,* 230 Fed. 543.

The court said, "Sufficient food, suitable clothing, proper shelter and such luxuries as contribute to the comfort and convenience of the seamen, are necessaries." Under this statute tobacco has been held to be a necessary on such a vessel. *The Fortuna,* 213 Fed. 285. In holding that tobacco contributes to the comfort of seamen but that liquor does not, the court evidently took judicial notice of the respective effects (and after-effects) of these stimulants upon the user. This would seem to be but a logical extension of the well-settled doctrine that the courts will take judical notice of the intoxicating character of our various beverages. 1 MICH. L. REV. 228; 10 MICH. L. REV. 496. This holding that $75.00 worth of liquor is not necessary for the crew of a fishing vessel is in striking contrast with the holding of the supreme court of Pennsylvania that a legislative committee was authorized to spend $3,000.00 of the state's money for liquor to be consumed by the legislators on a six hour excursion. *Russ* v. *Commonwealth,* 210 Pa. 544, 60 Atl. 169, 3 MICH. L. REV. 554. The court in the principal case further said, "The habits or desires of a particular class of seamen do not fix a criterion by which to measure necessaries. It is the need for the voyage, and not the habits or desires of the seamen, that is contemplated by the Act of Congress." By this the court must have meant the needs for such voyages generally and not the need for this particular voyage, because liquor certainly was needed for this voyage, the crew refusing to ship without it.

MUNICIPAL CORPORATIONS—CHANGE IN ASSESSMENT DISTRICT.—A contract for paving contained a stipulation for completion of the work by November 1, 1913, but a portion of the work was not completed on time and an extension of time was given; while the work was thus unfinished a statute was passed, in terms applicable to all special assessments made after January 1, 1914, which provided that assessment districts should include adjacent property within three hundred feet of the pavement, instead of only abutting property, as under the former statute. The question raised was whether the assessment levied in July, 1914, should be according to this statute or according to the law in force when the contract was let. It was *held,* that the assessment should be levied under the law in force when the contract was made, inasmuch as the legislative intent was not clearly expressed to make the change in the assessment district applicable to existing contracts. *Benshoof* v. *City of Iowa Falls.* (Ia. 1916) 156 N. W. 898.

Upon analysis the reasoning of the majority of the court tends to establish: (1) that it was not the intention of the legislature to have the new statute operate as an enabling statute; and (2) that the legislature could not so change the assessment district, as this would destroy the obligation of contract. Two dissenting judges deny both these propositions. If the intention of the legislature was not to have the new statute operate upon existing contracts, then the majority opinion can be sustained. But the second proposition as stated by the majority opinion is open to serious question. In this case the contractor is not complaining, hence the law affecting the rights

of municipal creditors is not involved. There was due notice given under the new statute by publication as was therein provided, hence the taking of property without due process of law is not involved in this case. The question narrows down to the right which a municipal corporation has in a particular assessment district, under existing law when it contracts for public improvements. In the absence of any statute which defines the municipal right or a statute which bars the effects of repealing laws on existing contracts (*Reed* v. *Bates,* 115 Ky. 437), a municipal corporation has no vested right in any particular revenue or any defined assessment district; but these may be changed, increased or diminished at the discretion of the legislature so long as vested rights of other contracting parties are not impaired: *Blanding* v. *Burr,* 13 Col. 343; *Weeks* v. *Gilmanton,* 60 N. H. 500; *City of Richmond* v. *Richmond & Danville R. R. Co.,* 21 Grat. (Va.) 604; *Hines* v. *City of Leavenworth,* 3 Kan. 186; *Stone* v. *Street Com'rs of Boston,* 192 Mass. 297; *Boston* v. *Water Power Co.,* 194 Mass. 571; *Nelson* v. *Dunn,* 56 Ind. App. 645, 104 N. E. 45; DILLON, MUNICIPAL CORPORATIONS, (5 Ed.) § § 233, 1352, 1377; 8 CYC. 944. Unless the finding of the majority is correct, in regard to the intention of the legislature, the new statute in force when the assessment was levied should be controlling under the circumstances of the principal case.

MUNICIPAL CORPORATIONS—REMOVAL OF OFFICER FOR OFFICIAL MISCONDUCT DURING A PRIOR TERM.—In a proceeding under the OUSTER LAW, misconduct in public office during a prior term was charged against the Mayor of Nashville. These charges included among other things, wanton waste of public money and encroachment on trust funds. The OUSTER LAW (PUB. ACTS 1915, Ch. 11) makes provision for the removal of officers who, "shall knowingly or wilfully misconduct [themselves] in office or who shall knowingly or wilfully neglect to perform any duty enjoined upon such officer by any of the laws of the State of Tennessee." It was *held,* that misconduct in office during a previous term could be proved under the OUSTER LAW. *State ex rel. Timothy* v. *Howse,* (Tenn. 1916) 183 S. W. 510.

The cases in accord with this view are reviewed in the principal case. The weight of authority is against this decision. The following cases hold that misconduct in a prior term of office cannot be shown in ouster proceedings: *People ex rel. Bancroft* v. *Weygant,* 14 Hun. 546; (misconduct in a present as well as in a prior term), *People ex rel. Burby* v. *Common Council,* 85 Hun. 601; *Carlisle* v. *Burke,* 144 N. Y. Supp. 163; (dictum) *State* v. *Jersey City,* 25 N. J. L. 536; *Campbell* v. *Police Comr's,* 71 N. J. L. 98; *Speed* v. *Common Council of the City of Detroit,* 98 Mich. 360; *Commonwealth* v. *Shaver,* 3 Watts & S. 338; *State ex rel. Att. Gen.* v. *Hasty,* 184 Ala. 121; *In re Advisory Opinion to Governor,* 31 Fla. 1; *In re Advisory Opinion to Governor,* 64 Fla. 168; *Thurston* v. *Clark,* 107 Cal. 285; *State ex rel. Schulz* v. *Patton,* 131 Mo. App. 628; DILLON, MUNICIPAL CORPORATIONS, (5 Ed.) § § 471, 475, 477. In several impeachment trials misconduct during a prior term of office was proved: trial of Judge BARNARD, trial of Judge HUBBEL of Wisconsin, and trial of Governor BUTLER of Nebraska. This